

HOUSE BILL 1455

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CF SB 1038

By: **Delegates Boteler, Kach, Minnick, and Weir**

Introduced and read first time: February 25, 2010

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Public School Employees – Representation by Employee**
3 **Organization**

4 FOR the purpose of providing that, in Baltimore City, certain positions or
5 classifications or public school employees in certain positions or classifications
6 that on a certain date were a part of a unit represented by a certain employee
7 organization shall remain in that unit; authorizing a certain public school
8 employer, in negotiations with an employee organization representing both
9 supervisory and nonsupervisory employees, to create a certain number of units
10 to be represented by the same employee organization; and generally relating to
11 the representation of certain public school employees and the status of certain
12 employee organizations in Baltimore City.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 6–505
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Education**

21 6–505.

22 (a) (1) Each public school employer may designate, as provided in this
23 subtitle, which employee organization, if any, shall be the exclusive representative of
24 all public school employees in a specified unit in the county.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) In Baltimore City, Garrett County, and Frederick County, the
2 public school employer shall designate, as provided in this subtitle, which employee
3 organization, if any, shall be the exclusive representative of all public school
4 employees in a specified unit in the county.

5 (b) The public school employer shall determine the composition of the unit in
6 negotiation with any employee organization that requests negotiation concerning the
7 composition of the unit.

8 (c) (1) Except as provided in [paragraph (5)] **PARAGRAPHS (5) AND (6)**
9 of this subsection, there may not be more than three units in a county and a unit may
10 not include both supervisory and nonsupervisory employees.

11 (2) If a county has more than three recognized units and, as of July 1,
12 1974, the units have exclusive representation for collective negotiations, these units
13 may continue as negotiating units.

14 (3) In Baltimore County, there shall only be three nonsupervisory
15 units in addition to the supervisory unit defined under § 6-404(c)(2) of this title.

16 (4) In Carroll County, beginning on October 1, 2007:

17 (i) There shall be no more than three units; and

18 (ii) All units shall be nonsupervisory units.

19 (5) In Baltimore City, the public school employer may designate a
20 fourth unit composed of all Baltimore City school police officers, as defined in § 4-318
21 of this article, up to and including the rank of lieutenant.

22 **(6) (I) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, IN**
23 **BALTIMORE CITY, A POSITION OR CLASSIFICATION OR A PUBLIC SCHOOL**
24 **EMPLOYEE IN A POSITION OR CLASSIFICATION THAT ON JANUARY 1, 2009, WAS**
25 **PART OF A UNIT REPRESENTED BY AN EMPLOYEE ORGANIZATION AS THE**
26 **EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL EMPLOYEES IN A UNIT**
27 **SHALL REMAIN IN THAT UNIT.**

28 **(II) IN NEGOTIATION WITH AN EMPLOYEE ORGANIZATION**
29 **REPRESENTING A UNIT CONTAINING BOTH SUPERVISORY AND**
30 **NONSUPERVISORY EMPLOYEES, THE PUBLIC SCHOOL EMPLOYER MAY CREATE**
31 **TWO UNITS TO BE REPRESENTED BY THE SAME EMPLOYEE ORGANIZATION, ONE**
32 **UNIT CONTAINING POSITIONS OR CLASSIFICATIONS DESIGNATED AS**
33 **SUPERVISORY AND THE OTHER UNIT CONTAINING NONSUPERVISORY**
34 **EMPLOYEES.**

35 (d) (1) All eligible public school employees shall:

1 (i) Be included in one of these units; and

2 (ii) Have the rights granted in this subtitle.

3 (2) Except for an individual who is designated as management
4 personnel or a confidential employee under this subtitle, each public school employee
5 is eligible for membership in one of the negotiating units.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2010.